Exercise 2.1

The following questions has been designed based on Chapter-6, Evidence

1. What is evidence?

Answer: Evidence is that which provides proof or an indication of an assertion.
Source: (Professional Investigator's Manual, ch6, p231)

2. What are the forms of evidence appearance?
Answer: Evidence appears in 1- oral, 2- documentary, and 3- physical forms.
Source: (Professional Investigator's Manual, ch6, p231)

3. What are the classifications of evidence that court considers?
Answer: There are three classifications of evidence that the courts will consider, they are: 1- direct, 2- circumstantial, and 3- real.
Source: (Professional Investigator's Manual, ch6, p231)

4. What are the basic categories of evidence?
Answer: The basic categories of evidence are: 1- direct (real, material), 2- indirect (circumstantial & hearsay).
Source: (Professional Investigator's Manual, ch6, p231)

5. What is the fundamental difference between direct and indirect evidence?
Answer: Direct evidence is first-hand knowledge and by contrast, indirect evidence is a highly informed inference.

Source: (Professional Investigator's Manual, ch6, p231)

6. Why indirect evidence also called circumstantial evidence?
Answer: Indirect evidence is also called circumstantial evidence where something is inferred to have happen because testimony given on a series of events leads one to believe that it did have happened.

Source: (Professional Investigator's Manual, ch6, p231)

7. Whether hearsay evidence is direct or indirect? Does it admissible during trial?
Answer: Hearsay evidence falls into the category of indirect evidence. Hearsay evidence is normally not admissible in a trial.

Source: (Professional Investigator's Manual, ch6, p231)

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8. What is "Materiality"? What does mean by it?
Answer: The rule that applies most often in determining the importance of evidence and its ability to prove a point is called "Materiality". Materiality means: 1- what are the quality and substance of evidence, 2- connection of evidence to the incident or case.

Source: (Professional Investigator's Manual, ch6, p231)

9. Write an exception to hearsay rule.
Answer: An exception to the hearsay rule is when a person making the statement about what another person said made statements against self-interests.

Source: (Professional Investigator's Manual, ch6, p231)

10. What is "Res Gestae"
Answer: Res gestae (things done) is an exception to the rule against hearsay evidence.

Source: (Professional Investigator's Manual, ch6, p231)

11. What is the underneath belief of "res gestae"?
Answer: Res gestae is based on the belief that because certain statements are made naturally, spontaneously and without deliberation during the course of an event, they leave little room for misunderstanding/misinterpretation upon hearing it by someone else and thus court believe that such statements carry a high degree of credibility.

Source: (Professional Investigator's Manual, ch6, p231)

12. Which evidence can be admitted under the "Res Gestae"?
Answer: Evidence which can be admitted into evidence as Res gestae fall into three headings: 1- words or phrases which either form part of, or explain a physical act, 2- exclamations which are so spontaneous as to belie concoction and, 3- statements which are evidence as to someone's state of mind.

Source: (Professional Investigator's Manual, ch6, p231)

13. Why it is important to gather the evidence after an incident?
Answer: After an incident, security practitioners should gather evidence carefully so that such evidence can be used to establish a timeline, resolve the issue, analyze how the incident occurred, and if necessary modify security measures to prevent future incidents.

Source: (Professional Investigator's Manual, ch6, p232)

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14. When the defense side is entitled to the information in criminal and non-criminal cases?

Answer: In both criminal and non-criminal cases the defense is entitled to the information during discovery.

Source: (Professional Investigator's Manual, ch6, p232)

15. What is the procedure of marking evidence?

Answer: Evidence should be marked with the investigator's initials at the time it is gathered.
Source: (Professional Investigator's Manual, ch6, p232)

16. What is the procedure of maintaining the chain of custody of evidence that was seized to present at trial?

Answer: Limiting the individuals who handle the evidence to the smallest number possible and properly documenting each transfer will maintain the chain of custody and assist the prosecution when introducing in at trial as the same evidence that was seized. Source: (Professional Investigator's Manual, ch6, p232)

17. What is oral evidence? Is it direct or indirect?

Answer: Oral evidence is a spoken statement regarding a person's knowledge, which may be direct or indirect and gained through any manner.

Source: (Professional Investigator's Manual, ch6, p232)

18. What are the key points to remember during preliminary scene investigation?

Answer: During the preliminary scene investigation, it is necessary to preserve and document the scene, including information from witnesses and physical assets.

Source: (Professional Investigator's Manual, ch6, p233)

19. During investigation after securing the scene what is the next step the investigator should take?

Answer: After securing the scene the investigators first calm the victim and attend to any injured persons.

Source: (Professional Investigator's Manual, ch6, p233)

20. During investigation after securing the scene what is the next step the investigator should take is to calm the victim and attend to an injured persons and what is the next step.

Answer: Then investigator should do : 1-identify any perpetrators and detain them if still present at the scene, 2-determine what type of incident has occurred, 3- broadcast an updated description of incident, perpetrators, and vehicles, 4- verify the identity of witness,5- separate witnesses, and instruct them to avoid discussing details of the incident with other witnesses, 5- canvass the area for other witnesses.

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Source: (Professional Investigator's Manual, ch6, p233)

21. What affect the accuracy of that information obtained by an investigator during the course of investigation?
Answer: The manner in which the preliminary investigating officer obtains information from a witness affects the amount.

Source: (Professional Investigator's Manual, ch6, p233)

22. When interviewing a witness, the preliminary investigating officer should consider some approaches. What are these approaches?
Answer: These approaches are: 1- establish rapport with the witness, 2- inquire about the witness's condition, 3-use open-ended questions, augmented with closed-ended questions, and avoid leading questions, 4- clarify the information with the witness, 5- document information obtained from the witness, including the witness's identity, 6- encourage the witness to contact investigators with any further information, 7- encourage the witness to avoid contact with the media or exposure to media accounts concerning the incident, 8- instruct the witness to avoid discussing details of the incident with other potential witnesses.

Source: (Professional Investigator's Manual, ch6, p233/234)

23. In the course of developing rapport with witness, the investigator can learn about the witness's……
Answer: Communication style.

Source: (Professional Investigator's Manual, ch6, p233)

24. What is the key to collect more information from a witness?
Answer: If the preliminary investigating officer can establish rapport with the witness, then witness will be then more comfortable during the interview and will likely provide more information.

Source: (Professional Investigator's Manual, ch6, p233)

25. What happens when the investigator inquire about the witness's condition?
Answer: When the investigator inquire about the witness's condition, it helps to contributes to rapport and also alert the investigator to physical or mental conditions.

Source: (Professional Investigator's Manual, ch6, p233)

26. What allows for an unlimited response from the witness in his or her own words, thereby generating a greater amount of unsolicited information.
Answer: An open-ended question

Source: (Professional Investigator's Manual, ch6, p234)

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27. Which type of questions tends to be more accurate and promote more effective listening on the part of the investigator.
Answer: Open-ended responses Source: (Professional Investigator's Manual, ch6, p234)

28. What limits the amount or scope of information that the witness can provide.
Answer: Close-ended question.

Source: (Professional Investigator's Manual, ch6, p234)

29. What should the investigator do if the witness is unresponsive to open-ended questions or provides imprecise responses?
Answer: The investigator should follow with more directed questions.

Source: (Professional Investigator's Manual, ch6, p234)

30. What is the procedure for questioning witness during the beginning of every new topics?
Answer: For each new topic, the investigator should begin with open-ended questions and augment them with closed-ended questions if necessary.

Source: (Professional Investigator's Manual, ch6, p234)

31. Which of the below type of investigative question method suggest an answer and may distort the witness's perception or memory.
Answer: Leading Questions

Source: (Professional Investigator's Manual, ch6, p234)

32. Why the independence of witnesses is important?
Answer: So that investigators can judge whether the information they provided is consistent with other witness's statements and other evidence developed in the investigation.

Source: (Professional Investigator's Manual, ch6, p234)

33. What maximizes the effectiveness of witnesses' participation and interviewer efficiency?
Answer: Preparing for an interview

Source: (Professional Investigator's Manual, ch6, p235)

34. What the investigator should done before conducting interview?
Answer: The investigator should: 1- review available information, 2- plan to conduct interview as soon as the witness is physically and emotionally capable, 3- select an environment that minimizes distractions and is comfortable for the witness, 4- obtain key materials, 5- determine the nature of the witness's prior law enforcement, security, or corporate contacts.

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Source: (Professional Investigator's Manual, ch6, p235)

35. Which type of statements can be used for corroboration.
Answer: Independent witness statements

Source: (Professional Investigator's Manual, ch6, p235)

36. What are the principles that underlie the interviewing of cooperative witnesses?
Answer: 1- social dynamic between the interviewer and witness, 2- facilitation of the witness's memory and thinking, 3- communication between the interviewer and witness.

Source: (Professional Investigator's Manual, ch6, p235)

37. How an interviewer can personalize an interview?
Answer: The interviewer can personalize the interview by treating the witness as an individual.

The interviewer can personalize the interview by avoiding questions that sound programmed and referring to the witness by name and the interviewer should ask the questions that follow up on the witness's previous responses, repeat the witness's concerns, lean forward, and may eye contact.

Source: (Professional Investigator's Manual, ch6, p235, 236)

38. How to develop social dynamics?
Answer: Social dynamic can be developed if the interviewer shows understanding and concern by asking about the witness's health, empathizing with the witness.

Source: (Professional Investigator's Manual, ch6, p235)

39. A rapport between the interviewer and witness is especially helpful when ……..
Answer: The investigator seeks personal or intimate information from a witness.

Source: (Professional Investigator's Manual, ch6, p235)

40. To encourage the witness to volunteer information without prompting, what the interviewer should do?
Answer: The interviewer should do: 1- state expectations, 2- ask open-ended question, 3- avoid interruptions, and 4- allow pauses.

Source: (Professional Investigator's Manual, ch6, p236)

41. During the interview, what discourage the witness from playing an active role and disrupt his or her memory?
Answer: Interruptions

Source: (Professional Investigator's Manual, ch6, p236)

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42. Much of the information about an incident is stored in the ……..
Answer: Witness's mind.

Source: (Professional Investigator's Manual, ch6, p236)

43. How the interviewer can promote information retrieval from witness?
Answer: In several ways: 1- minimize distractions, 2- encourage the witness to mentally recreate the incident, 3- tailor questions to the witness's narrative.

Source: (Professional Investigator's Manual, ch6, p236)

44. If the witness is thinking or talking about the perpetrator's face, the interviewer should ask the questions about the…….
Answer: Face and not other aspects of the incident, such as license plate.

Source: (Professional Investigator's Manual, ch6, p236)

45. During the interviewing process, what are the issues that an interviewer is concerned?
Answer: With many issues, such as resolving an incident, enforcing corporate rules, and preparing for civil litigation.

Source: (Professional Investigator's Manual, ch6, p237)

46. For the most productive interview, both the interviewer and witness should……
Answer: Communicate their needs and information to each other.

Source: (Professional Investigator's Manual, ch6, p237)

47. Oral evidence is given great weight by……
Answer: Jurors and judges alike.

Source: (Professional Investigator's Manual, ch6, p237)

48. It is important that investigator make no promises or offers of a reward to encourage a witness to make a statement, this will void the statement if discovered. What else could be result of this?
Answer: It may also lead to a charge of witness tampering against the investigator. \

Source: (Professional Investigator's Manual, ch6, p237)

49. What can sometimes determine the origin or authenticity of questioned writing?
Answer: Examination of handwriting characteristics

Source: (Professional Investigator's Manual, ch6, p238)

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50. While examining handwriting characteristics, some factors can lead to inconclusive results. What are these factors?

Answer: 1- insufficient quantities of questioned or known writing, 2- lack of contemporaneous questioned and known samples, 3- distortion or disguise in the questioned or known writing, 4- insufficient identifying characteristics, 5- submission of photocopies evidence instead of original evidence.

Source: (Professional Investigator's Manual, ch6, p238)

51. In obtaining a known sample of handwriting , what the investigator should do?

Answer: 1- give instruction(oral or written) only concerning the text to be written, 2- ensure that all exemplars are on separate pieces of paper, 3- ensure that the writer and a witness initial and date each pages of writing,4- do not allow the writer to see the previous exemplars or the questioned writing, 5- obtain exemplars from dictation until normal writing has been produced, 6- obtain exemplars from the right and left hands, 7- obtain hand printing exemplars in both uppercase and lowercase letters, 8- obtain exemplars written rapidly, slowly, and varied slants, 9- obtain a sufficient quantity of exemplars to account for natural variation in the writing, 10- obtain un-dictated writing, such as business records, personal correspondence, and cancelled checks.

Source: (Professional Investigator's Manual, ch6, p238/239)

52. What are the types of false signature?
Answer: 1- traced signature, 2- simulated signatures, and 3- freehand signature.

Source: (Professional Investigator's Manual, ch6, p239)

53. While sipping documentary document, what the investigator should do?

Answer: 1- protect the evidence from inadvertent indented writing, 2- mark documents unobtrusively by writing the collector's initials, date, and other information in pencil, 3- whenever possible, submit the original evidence to the laboratory, 4- refrain from storing or shipping photocopies in plastic envelopes.

Source: (Professional Investigator's Manual, ch6, p242)

54. How many categories, as an security investigator you can divide physical evidences? What are these categories?
Answer: Physical evidence can be divided into five categories, 1- corpus delicti, 2- associative, 3-identifying, 4- tracing, 5- trace.

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Source: (Professional Investigator's Manual, ch6, p243)

55. Corpus delicti relates to which types of evidence?

Answer: The evidences that prove a crime has been committed, such as the body at a homicide scene.

Source: (Professional Investigator's Manual, ch6, p243)

56. Associative evidence (also known as circumstantial evidence) links a suspect with the …….

Answer: Scene of a crime, such as fingerprints, or DNA.

Source: (Professional Investigator's Manual, ch6, p243)

57. What is tracing evidence?

Answer: Tracing evidence are those article that assist in the possible identification and location of a suspect, such as a credit card receipt or a laundry mark or tag on a piece of clothing.

Source: (Professional Investigator's Manual, ch6, p243)

58. Trace evidence that will undergo examination in the criminalities section or a crime lab includes……..

Answer: Fibers, paints, dyes, glass, and similar elements.

Source: (Professional Investigator's Manual, ch6, p243)

59. What is included as impression evidence?

Answer: Impression evidence includes firearms, tool marks, bite impressions, and footprints.

Source: (Professional Investigator's Manual, ch6, p243)

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60. Success in the physical evidence increase when an incident scene search is planned, coordinated, and executed by knowledgeable security employees. What is required to be kept in mind while searching executing investigation?

Answer: Must keep in mind: 1- the best search options are usually the difficult and time-consuming, 2- physical evidence cannot be over documented, 3- a search may either a cautions search of visible areas or a vigorous search of concealed areas, 4- searches must be timely so that they are conducted while evidence may still be available.

Source: (Professional Investigator's Manual, ch6, p243)

61. During scene search, the security professional in charge should take some steps first. What are the steps?

Answer: 1- discuss the search with involved personnel before arrival at the scene, if possible, 2- ensure that personnel are aware of the types of evidence usually encountered and the proper handling of the evidence, 3- make preliminary personnel assignments before arriving at the scene, if possible.

Source: (Professional Investigator's Manual, ch6, p243)

62. What are the combinations of scene search team?

Answer: The combination of scene search team are : 1- person in charge, 2- photographer, 3- sketch preparer, 4- evidence recorder, 5- scene supervisor.

Source: (Professional Investigator's Manual, ch6, p244)

63. What are the responsibilities of person in charge during a scene search?

Answre: During the scene search, the responsibilities of person in charge are: 1- ensures scene security, 2- prepare administrative log, 3- conduct preliminary survey (initial walkthrough), 4- prepare narrative description, 5- resolve problems, and 6- make final decisions.

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Source: (Professional Investigator's Manual, ch6, p244)

64. What are the responsibilities of scene supervisor during a scene search?

Answer: During the scene search, the responsibilities of scene supervisor are : 1- establish communication with the appropriate corporate executives, 2- obtain evidence collection and packaging material s and equipment, 3- prepare the paperwork to document the search, 4- provide appropriate protective clothing, communication, lighting, shelter, transportation, equipment, food, water, medical assistance, and security for search personnel,5- take extensive notes, 6- consider the safety of all personnel, 7- be alert for evidence.

Source: (Professional Investigator's Manual, ch6, p244)

65. To secure and protect the scene, what the on-site team should perform?
Answer: 1- take control of the scene immediately, 2- determine the extent to which the scene has been protected, 3- designate one person to be in charge of final decision making and problem resolution, 4- take extensive notes, 5- keep out unauthorized personnel, 6- records who enter and leaves.

Source: (Professional Investigator's Manual, ch6, p245)

66. What is a tool for planning search?

Answer: The preliminary survey is a tool for planning a search.

Source: (Professional Investigator's Manual, ch6, p245)

67. While producing narrative of the incident scene, what are the key points it should include?

Answer: It should include key points which are: 1- case identifier, 2- date, time, and location, 3- weather and lighting conditions, 4- identity and assignments of personnel, 5- condition and position of evidence.

Source: (Professional Investigator's Manual, ch6, p246)

68. While doing incident scene search, photograph the most……
Answer: Fragile areas of the incident scene first.

Source: (Professional Investigator's Manual, ch6, p246)

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69. In incident scene search, the sketches are used to record……..
Answer: Location of items, conditions, and distance and size relationships.

Source: (Professional Investigator's Manual, ch6, p247)

70. While making sketch during incident scene search, what it should include?
Answer: It should include: 1- case identifier, 2- date, time, and location, 3- weather and lighting condition, 4-identity and assignment of personnel, 5- dimensions of rooms, furniture, doors, and windows, 6- distance between objects, persons, bodies, entrances, and exits, 6- measurements showing the location of evidence(in reference to two unmovable items), 7- key, legend, compass, orientation, scale, scale disclaimer, or combination thereof.

Source: (Professional Investigator's Manual, ch6, p247)

71. Why the actual collection of evidence is most critical?

Answer: The actual collection of evidence is most critical because during the time of physical evidence collection process most errors occur. That is why it is important to teach the proper process of securing a crime scene in any basic law enforcement or security officer training course.

Source: (Professional Investigator's Manual, ch6, p247)

72. The most common type of physical evidence is ……
Answer: Fingerprints, so care should be taken to collect and preserve them first.

Source: (Professional Investigator's Manual, ch6, p247)

73. Two suggestions for physical evidence collection:
Answer: During physical evidence collection process use a search pattern (grid, strip or lane, spiral) and search from general to specific.

Source: (Professional Investigator's Manual, ch6, p247)

74. During physical evidence collection process, photograph……
Answer: All items before collection and notate the photographic log.

Source: (Professional Investigator's Manual, ch6, p248)

75. During physical evidence collection process, why it is required to arrange two persons in the place?

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Answer: To observe evidence in place, during recovery, and being marked for identification. Mark directly on the evidence when necessary, but first attempt to place identifying marks on evidence containers

Source: (Professional Investigator's Manual, ch6, p248)

76. As a minimum, the best way to certify a piece of evidence is with……
Answer: With the investigator's initials.

Source: (Professional Investigator's Manual, ch6, p248)

77. What can establish the actual chain of custody for evidence collection?
Answer: The proper marking of evidence at the time of seizure and transfer establishes the actual chain of custody.

Source: (Professional Investigator's Manual, ch6, p248)

78. For evidence to be admissible, what it must prove?
Answer: It must be proven that the evidence was not tampered with, thus the chain of custody must be maintained and documented throughout the process to identify all the individuals whom came in contact with the evidence.

Source: (Professional Investigator's Manual, ch6, p248)

79. After the incident scene search, what should be done?
Answer: Release the incident scene after the final survey.

Source: (Professional Investigator's Manual, ch6, p249)

80. On completion of the incident scene search, what should be noted in the release documentation?
Answer: Note in release documentation: 1- the time and date of the release, 2-to whom the scene was released, and 3- by whom it was released.

Source: (Professional Investigator's Manual, ch6, p249)

81. On completion of the incident scene search, what is required to be ensured?
Answer: Ensure that the evidence is: 1- collected according to legal requirements, 2- documented, 3- marked for identification.

Source: (Professional Investigator's Manual, ch6, p249)

82. On completion of the incident scene search who is the only person to allow to release the scene?
Answer: Only person in charge is allow to release the scene.

Source: (Professional Investigator's Manual, ch6, p249)

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83. Why it is required to call the laboratory before packaging and shipping evidence?
Answer: For specific instructions.

Source: (Professional Investigator's Manual, ch6, p250)

84. While shipping evidence completely seal the outer container, why?
Answer: So that tampering with the container would be evident.

Source: (Professional Investigator's Manual, ch6, p250)

85. While shipping evidence, affix "EVIDENCE" and "BIOHAZAR" labels, if appropriate, on the inner container. If any of the evidence needs to be examined for latent prints, affix a …….
Answer: "LATENT" label on the inner container.

Source: (Professional Investigator's Manual, ch6, p250)

86. According to the U.S department of transportation regulations 49 CFR 172.101, a trained and qualified evidence technician must assist with…….
Answer: Typing, labeling, packaging, and shipping of all hazardous materials.

Source: (Professional Investigator's Manual, ch6, p250)

87. What are the guidelines must be followed when shipping live ammunition?

Answer: 1- package and ship ammunition separately from firearms, 2- label the outside of the container " ORM-D, Cartridge, Small Arms, 3- note on the declaration of dangerous goods the number of packages and gross weight of the completed packages in grams.

Source: (Professional Investigator's Manual, ch6, p250)

88. The process for determining whether a material is a hazardous waste should be done by ……
Answer: Qualified personnel.

Source: (Professional Investigator's Manual, ch6, p251)

89. Hazardous materials that are removed from incident scene are considered evidence and would not fall under …….
Answer: RCRA waste provision.

Source: (Professional Investigator's Manual, ch6, p251)

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90. What can be used to determine the general rifling characteristics such as caliber and physical features of the rifling impressions and the manufacturer of the bullets?
Answer: Fired bullets can be examined to determine

Source: (Professional Investigator's Manual, ch6, p252)

91. What can be used to determine the caliber or gauge, the manufacturer, and whether there are marks of value for comparison.
Answer: Examination of cartridge cases or shot shell casing

Source: (Professional Investigator's Manual, ch6, p252)

92. What is used for estimating muzzle-to – garment distances during an investigation where bullet is fired?
Answer: Pattern of gunshot residue can be duplicated using a questioned firearm and ammunition combination fired into test materials at known distance. These patterns serve as a basis.

Source: (Professional Investigator's Manual, ch6, p253)

93. Clothing with blood must be air-dried and labeled on the inner and outer containers. What should be written in the label?
Answer: "BIOHAZARD"

Source: (Professional Investigator's Manual, ch6, p253)

94. What can be used to determine the caliber or gauge and whether there are marks of value for comparison.
Answer: Examination of unfired cartridges or shotshells can

Source: (Professional Investigator's Manual, ch6, p253)

95. Examination of what can also determine whether the ammunition was loaded in and extracted from a specific firearm.
Answer: Examination of unfired cartridges or shotshells can

Source: (Professional Investigator's Manual, ch6, p253)

96. Examination of what can determine the gauge and the manufacturer.
Answer: Wadding components

Source: (Professional Investigator's Manual, ch6, p253)

97. During computer forensic examinations, generally submit only the
Answer: Central processing units and the internal and external storage media.

Source: (Professional Investigator's Manual, ch6, p255)

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98. Two sources of DNA are used in forensic analysis. What are these two?
Answer: These are: 1-Nuclear DNA, 2-Mitochondrial DNA.

Source: (Professional Investigator's Manual, ch6, p255)

99. As there are classifications of DNA, which type of DNA is typically analyzed in evidence containing blood, semen, saliva, body tissue, and hairs that have tissue at their root ends.
Answer: Nuclear DNA

Source: (Professional Investigator's Manual, ch6, p255)

100. Which type of DNA is analyzed in evidence containing naturally shed hairs, hair fragments, bones, and teeth.
Answer: Mitochondrial DNA is typically analyzed

Source: (Professional Investigator's Manual, ch6, p255)

101. The appropriate methods for collecting, packaging, and preserving DNA evidence depends on the……..
Answer: Liquid or solid state and the condition of the evidence. The more the evidence retains its original integrity until it reaches the laboratory, the greater the possibility of conducting useful examination.

Source: (Professional Investigator's Manual, ch6, p256)

102. For DNA analysis, what amount of blood should be collected by the medical personnel?
Answer: Medical personnel shall collect at least 5 milliliter tubes of blood in purple-top tubes with EDTA as an anticoagulant.

Source: (Professional Investigator's Manual, ch6, p256)

103. What a blood examination request letter should contain?
Answer: A blood examination request letter should contain: 1- brief statement of facts relating to the case, 2- claims made regarding the source of the blood, 3- whether animal blood is present, 4- whether the stains were laundered or diluted with other body fluids, 5- information on the victim's medical condition or that of any persons of interest, such as AIDs, hepatitis, or tuberculosis.

Source: (Professional Investigator's Manual, ch6, p257)

104. What can determine whether particles of glass originated from a broken source of glass.
Answer: Glass comparison examinations.

Source: (Professional Investigator's Manual, ch6, p260)

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105. What can determine can determine the direction and type of the breaking force and the sequencing of shots.

Answer: Glass fracture examinations

Source: (Professional Investigator's Manual, ch6, p260)

106. Why Hair analysis is used? What can be found from human hair analysis?

Answer: Hair analysis can determine whether hairs are animal or human. Race, body area, method of removal, damage, and alteration can be determined from human hair analysis.

Source: (Professional Investigator's Manual, ch6, p261)

107. How many hairs are required for hair analysis?

Answer: For hair analysis, collect at least 25 known hairs from different parts of the head or public region.

Source: (Professional Investigator's Manual, ch6, p261)

108. Write about photogrammetry? Differentiate between a photogrammetry request and facial comparison request.

Answer: Dimension can be derived from photographic images through the use of mathematical formulas or on-site comparison. Examples of photogrammetry include determining people's height and the length of weapons or tools depicted in images.

If a facial comparison is requested, ensure that the face or head fills more than half the frame.

If photogrammetry is requested, include the dimensions of the scene to the nearest 1/8 inch and include a diagram or print from the surveillance film indicating the location of the measurements.

Source: (Professional Investigator's Manual, ch6, p263)

109. What is the ideal place to develop latent prints?

Answer: The laboratory is the best place to develop latent prints.

Source: (Professional Investigator's Manual, ch6, p263)

110. Write down two considerations for taking photographic latent prints:

Answer: While taking photographic latent prints use a 35 mm or medium-format camera with a macro lens capable of half-size to full-size reproduction and use T-Max 400 film, set the aperture of f/11 and use the metering system to select a suitable speed.

Source: (Professional Investigator's Manual, ch6, p263)

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While taking photographic prints, take three exposure of each latent print by bracketing – that is, taking pictures one stop below the recommended exposure, at the recommended exposure, and above the recommended exposure.

Source: (Professional Investigator's Manual, ch6, p263)

111. To investigate which types of incident lubricant examinations are conducted?
Answer: Lubricant examination may be conducted in sexual assault, vehicular homicide, and heavy equipment sabotage cases.

Source: (Professional Investigator's Manual, ch6, p265)

112. Why metallurigical testing are used?
Answer: Metallurgical testing of materials can determine whether inferior components were substituted in contracting frauds.

Source: (Professional Investigator's Manual, ch6, p265)

113. Why metal fragmentations examinations are used during investigation?
Answer: Metal fragmentations examination can determine how metal fragmentations were formed. If fragments were formed by impulsive (short duration, high-strain rate) loading, it can be determined whether an explosive was detonated and what the magnitude of the detonation velocity was.

Source: (Professional Investigator's Manual, ch6, p265)

114. When product tampering are occurred?
Answer: Product tampering occurs when a commercial product is internationally distorted to harm someone or for extortion purposes.

Source: (Professional Investigator's Manual, ch6, p268)

115. What are the considerations while taking incident scene photographs?
Answer: While taking incident scene photographs, images should be taken using a 35mm or medium-format film camera. Color film may be preferable to black-and- white. In most ambient light situations, use 100 ISO film.

Source: (Professional Investigator's Manual, ch6, p269/270)

116. Impressions in snow are difficult to photograph, why? And what is can be the solution?
Answer: Because of lack of contrast. It is best to attempt to photograph the impressions as if in soil.

Source: (Professional Investigator's Manual, ch6, p270)

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To increase contrast while taking photographs in snow, snow impressions can be lightly sprayed with snow print wax, a material used for casting snow impressions, or with colored spray print. The spray must be held at least two to three feet from the impression so the force of the aerosol does not damage the impression. A light application of spray must be directed at an angle of about 30 to 45 degree so the paint only strikes the high points of the impressions.

Source: (Professional Investigator's Manual, ch6, p270)

117. If the evidence itself cannot be submitted to the laboratory what could be the alternative?

Answer: It can be cast with dental stone and the cast submitted to a laboratory.

Source: (Professional Investigator's Manual, ch6, p270)

118. A file of shoe manufacturers' designs and a file of tire tread and other reference material can be searched to determine ……

Answer: Brand names and manufacturers.

Source: (Professional Investigator's Manual, ch6, p272)

119. Which types of examination are used to disclose the presence of drugs and poisons in biological specimens?

Answer: Toxicology examinations can disclose the presence of drugs and poisons in biological specimens and food products. The examinations can determine the circumstances surrounding drug- or poison –related incidents and accidents.

Source: (Professional Investigator's Manual, ch6, p274)

120. Biological evidence in drug-facilitated assaults must include a……..

Answer: Urine sample. The urine must be collected as soon as possible after the assault and not more than 96 hours after the alleged drugging.

Source: (Professional Investigator's Manual, ch6, p274)

121. What are determined by the authenticity examinations?

Answer: Authenticity examinations are conducted to determine whether video recordings are original, continuous, unaltered, and consistent with the recording device used to make the recording.

Source: (Professional Investigator's Manual, ch6, p275)

122. Which types of examinations are used to maximize the clarity of the video signal through video processors and time base correctors?

Answer: Enhancement examinations are conducted to maximize the clarity of the video signal through video processors and time-base correctors.

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Source: (Professional Investigator's Manual, ch6, p275)

123. Special effects such as a mosaic can be added to video recordings to protect…….
Answer: A person's identity.

Source: (Professional Investigator's Manual, ch6, p275)

124. During incident scene investigation, personnel operating in or around contaminated environments must be aware of the various ways in which hazards may enter and harm the body. These are ……..
Answer: Inhalation, skin contact, ingestion and injection.

Source: (Professional Investigator's Manual, ch6, p276)

125. How to avoid contamination during evidence collection process?
Answer: In the evidence collection process, while personnel operating in or around contaminated environments, by applying proper work practices and by ensuring adequate ventilation it possible to minimize the risk of airborne contaminant inhalation.

Source: (Professional Investigator's Manual, ch6, p276)

126. When respiratory protection is required during evidence collection?
Answer: In the evidence collection process, while personnel operating in areas with airborne contaminants, respiratory protection must be worn. Only certified personnel are allowed to wear respiratory protection.

Source: (Professional Investigator's Manual, ch6, p276)

127. What are the consequence of contamination while evidence collection?

Answer: In the evidence collection process, contamination through the skin can result from direct contact or by absorption. Systemic effects, such as dizziness, tremors, nausea, blurred vision, liver and kidney damage, shock, or collapse, can occur when the substances are absorbed through the skin and circulated throughout the body.

Source: (Professional Investigator's Manual, ch6, p276)

128. Fundamental to the blood borne pathogens standard is the concept of
Answer: Universal precautions.

Source: (Professional Investigator's Manual, ch6, p277)

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129. Under the blood borne pathogens standard, it is required to treat all blood, body fluids, or other potentially infectious materials as if infected with blood borne diseases. What are the example of blood borne diseases?

Answer: Hepatitis B virus (HBV), hepatitis C Virus (HCV), and human immunodeficiency virus (HIV).

Source: (Professional Investigator's Manual, ch6, p277)

130. What is engineering control against contamination while evidence collection?

Answer: As part of the universal precautions on blood borne pathogen safety engineering controls and prudent work practices can reduce or eliminate exposure to potentially infectious materials. Some examples of engineering controls include puncture-resistant containers used for storage and disposal of sharps and paints stirrers and long-handled mirrors for use in locating and retrieving evidence in confined or hidden spaces.

Source: (Professional Investigator's Manual, ch6, p277)

131. What can be done with Pyrophoric materials?

Answer: Pyrophoric materials, such as phosphorus, sodium, and barium, can be liquid or solid and can ignite in air temperatures less than 130 degrees F (54 degrees Celsius) without an external source.

Source: (Professional Investigator's Manual, ch6, p278)

132. What are Oxidizers and function?

Answer: Oxidizers, such as nitrates, hydrogen peroxide, and concentrated sulfuric acid, are a class of chemical compounds that readily yield oxygen to promote combustion. They should not be stored with flammable and combustible materials or substances that could rapidly accelerate their decomposition.

Source: (Professional Investigator's Manual, ch6, p278)

133. What is the function of Material Safety Data Sheets?

Answer: In the United States, Material Safety Data Sheets on various chemicals provide guidance on hazardous properties, disposal techniques, personal protection, packaging and shipping procedures, and emergency preparedness.

Source: (Professional Investigator's Manual, ch6, p278)

134. What is confined space?

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Answer: A confined space is an enclosed area that is large enough for personnel to enter and work but that has limited or restricted means of entry and exit.

Source: (Professional Investigator's Manual, ch6, p278)

135. Nitrile provides protection from…….
Answer: Acids, alkaline solutions, hydraulic fluid, photographic solutions, fuels, lubricants, aromatics, petroleum, and chlorinated solvents. It also offers some resistance to cuts and snags.

Source: (Professional Investigator's Manual, ch6, p280)

136. Neoprene offers resistance to
Answer: Oil, grease, acids, solvents, alkalies, bases, and most refrigerants.

Source: (Professional Investigator's Manual, ch6, p280)

137. Polyvinyl chloride (PVC) is resistant to

Answer: Alkalies, oils, and limited concentrations of nitric and chromic acids.

Source: (Professional Investigator's Manual, ch6, p280)

138. What can lower the risk of developing latex allergies?
Answer: Powder free gloves with reduced protein content will lower the risk of developing latex allergies. Personnel allergic to latex can usually wear nitrile or neoprene.

Source: (Professional Investigator's Manual, ch6, p280)

139. When face shields offer better protection?
Answer: Face shields offer better protection when there is a potential for splashing or flying debris. Face shields must be worn in combination with safety glasses or goggles

Source: (Professional Investigator's Manual, ch6, p281)

140. Protective eyewear should be worn ……
Answer: Over prescription glasses.

Source: (Professional Investigator's Manual, ch6, p281)

141. What include critical elements for the safe use of respiratory?
Answer: Critical elements for the safe use of respirators include a written program, training, medical evaluation, fit testing, and a respirator-maintenance program.

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Source: (Professional Investigator's Manual, ch6, p281)

Exercise 2.2

The following questions has been designed based on Chapter-7, Canadian Law of Evidence

1. What is determined by the Canadian law of evidence?

Answer: The law of evidence determines how facts may be proved in a court of law, and what facts may not be provided there.

(Professional Investigator's Manual, ch7, p293)

2. The issue with the law of evidence of Canadian law is…….

Answer: Admissibility.

(Professional Investigator's Manual, ch7, p293)

3. The court will ask four questions to decide whether a piece of evidence will be allowed to be produced at trail or not. What are these four questions?

Answer: 1- is the evidence relevant to the mater at hand? 2- Is it reliable? 3- Can it be authenticated? 4- Does the probative value override any prejudicial effect?

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(Professional Investigator's Manual, ch7, p293)

4. The decision of a court, arbitration panel, or other administrative process is based on…

Answer: What evidence is proved or disproved.

(Professional Investigator's Manual, ch7, p293)

5. Evidence may take a variety of forms. What are these forms?

Answer: 1- the viva voce testimony(oral evidence) of an eyewitness,2- business or banking documents, 3- video or photographic evidence, 3- physical evidence.

(Professional Investigator's Manual, ch7, p293)

6. How most evidence is entered at a trial or hearing?

Answer: Most evidence is entered at a trial or hearing through the viva voce testimony of a witness or by the witness's act of identifying or introducing a piece of evidence. (Professional Investigator's Manual, ch7, p294)

7. The party calling the witness must do an "examination in chief". What is meant by examination in chief?

Answer: Where the witness is asked questions related to his or her knowledge of relevant events at issue.

(Professional Investigator's Manual, ch7, p294)

8. What happens during an examination in chief?

Answer: In the examination in chief, the witness is introduced and his or her qualifications to testify are reviewed.

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(Professional Investigator's Manual, ch7, p294)

9. Is there can be leading question during examination in chief?

Answer: In the examination in chief, there can be no leading questions.

(Professional Investigator's Manual, ch7, p294)

10. What is the exception for leading questions during examination in chief?

Answer: In the examination in chief, leading questions may be avoided except : 1- where questions are being asked on undisputed matters so that the testimony can be speeded up, 2-if the party conducting the examination in chief convinces the court that the witness is hostile or in criminal matters, has made a prior inconsistent statement.

(Professional Investigator's Manual, ch7, p294)

11. Is there can be leading question during cross examination?

Answer: In a cross examination, the party conducting it may ask direct and leading questions of the witness.

Source: (Professional Investigator's Manual, ch7, p294)

12. In deciding whether a witness may testify, what is assessed by the trier of the law?

Answer: The trier of law assesses whether he witness presented is competent and compellable.

(Professional Investigator's Manual, ch7, p295)

13. In regards to the witness to testify, competence refers to ……..

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Answer: Whether a witness has the legal capacity to testify, and compellability refers to whether the witness can be legally forced to testify.

Source: (Professional Investigator's Manual, ch7, p295)

14. Competence may be impinged on such issues ……..

Answre: As mental incapacity or infancy.

Source: (Professional Investigator's Manual, ch7, p295)

15. Several statutory and common-law provisions of Canada affect the compellability of witness. What are these provisions?

Answer: 1-those who are entitled to diplomatic immunity may be competent to testify but cannot be compelled to do so, 2-the spouse of an accused is not compellable to disclose any communication during their marriage but is competent to testify for the evidence, 3-evidence that may not be compellable is communication between a solicitor and client. (Professional Investigator's Manual, ch7, p295)

16. What is the exception of admitting communication against client at the court?

Answer: The communication is not admissible in court against the client. This exception does not protect the solicitor who is a party to the offence, nor does it apply to other professionals, such as doctors, psychiatrists, clergy, or accountants. (Professional Investigator's Manual, ch7, p295)

17. What is direct evidence?

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Answer: Direct evidence is testimony from a witness about what he or she saw, heard, touched, tasted or smelled. With direct evidence the trier of fact does not need to draw a presumption or inference.

(Professional Investigator's Manual, ch7, p295)

18. Circumstantial evidence can only be derived from …….

Answer: A presumption or inference.

(Professional Investigator's Manual, ch7, p295)

19. When the trier of fact is enough to meet the burden of proof?

Answer: If the trier of fact can draw a reasonable inference from the circumstantial evidence, it may be sufficient to meet the burden of proof. (Professional Investigator's Manual, ch7, p295)

20. When a evidence is referred as best evidence?

Answer: Primary evidence is original or firsthand and is often referred to as the "best evidence". It is natural and most satisfactory means of proof.

(Professional Investigator's Manual, ch7, p296)

21. When a secondary evidence is admissible?

Answer: Secondary evidence is, by nature, inferior to the primary or best evidence, but it may become admissible where the primary evidence is unavailable.

(Professional Investigator's Manual, ch7, p296)

22. What is the best evidence rule?

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Answer: Generally, the best evidence rule requires that primary evidence is introduced if it is available. (Professional Investigator's Manual, ch7, p296)

23. Write some examples of secondary evidences:

Answer: Examples of secondary evidence include copies of a document, an affidavit of a witness who is unable to testify, or witness testimony about what was in a document that was lost or destroyed.

(Professional Investigator's Manual, ch7, p296)

24. What is hearsay evidence? Is it acceptable in court?

Answer: Hearsay evidence is testimony by a witness relating what others have said rather than what the witness knows personally.

Court will not hear testimony that is hearsay.

(Professional Investigator's Manual, ch7, p296)

25. Write down the six exceptions of hearsay evidence:

Answer: The six exceptions to the hearsay rule are: 1-government, business and banking documents, 2- expert evidence, 3- Res gestae, 4-dying declarations, 5- affidavits and depositions, 6-admissions and confessions.

(Professional Investigator's Manual, ch7, p296/297)

26. Why expert opinion evidence would normally offend the hearsay rule?

Answer: Because the expert is relying on research and a body of knowledge created by others and is therefore repeating the comments and opinions of others.

(Professional Investigator's Manual, ch7, p297)

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27. When opinion evidence is deemed necessary?

Answer: Opinion evidence is deemed necessary where the court requires expertise to assist in decision-making, that is, when a trier of fact would not know or have difficulty understanding non-everyday technical concepts and some areas in highly specialized fields known to but a few. (Professional Investigator's Manual, ch7, p297)

28. Write an example of Res Gestae:

Answer: Example of Res Gestae; a police officer was in a room with a father and son when a shot came through the window. The son saw a face at the window and shouted out the nickname of the person he saw. The police officer did not see the face at the window but was allowed to testify with respect to the son's statement at trail to identify the person who fired the shot.

(Professional Investigator's Manual, ch7, p297)

29. What is confession?

Answer: A confession is a written or oral statement, not made in court, against the interest of the accused.

(Professional Investigator's Manual, ch7, p298)

30. What is meant by inclupatatory statement?

Answer: Inculpatory statements are those that directly incriminate the accused-for example, "I did it and I'm sorry.

(Professional Investigator's Manual, ch7, p298)

31. What is meant by exculpatory statement?

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Answer: An exculpatory statement is a denial by the accused person, such as an excuse or a statement of innocence.

(Professional Investigator's Manual, ch7, p298)

32. What are the issues must be addressed to accept a confession in the court?

Answer: For a confession to be admissible in court, three issues must be addressed: 1- is the statement relevant, 2- was the statement voluntary, and 3- was the confession made to a person in authority.

(Professional Investigator's Manual, ch7, p298/299)

33. What does the term "voir dire" means?

Answer: Voir dire means the preliminary examination which the court may make of one presented as a witness or juror, where his competency, interest, etc is objected to. (Professional Investigator's Manual, ch7, p298/299)

34. What does mean by person in authority?

Answer: The definition of a person in authority goes beyond police officers and may include others whom the accused believes might be able to influencing the prosecution. (Professional Investigator's Manual, ch7, p299)

35. According to the case law, who are not "person in authority"?

Answer: Case law has that the following are not "person in authority": 1- police informer, 2- physician with a patient, 3- bank manager in connection with a former employee. (Professional Investigator's Manual, ch7, p299)

36. What is the purpose of voir dire?

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Answer: The purpose of the voir dire is simply to establish whether the confession was voluntary.

(Professional Investigator's Manual, ch7, p299)

37. When a criminal court enters to "Voir Dire"

Answer: Criminal courts enter into a voir dire once the prosecutor indicates that a confession will be introduced as evidence. (Professional Investigator's Manual, ch7, p299)

38. When it is not necessary to voir dire be held established?

Answer: Where a confession is made to someone who is not a person in authority, it is not necessary that a voir dire be held to establish the voluntary nature of the statement. (Professional Investigator's Manual, ch7, p299)

39. During a security investigation, if security staff have exercised an arrest, they are performing ……

Answer: A "governmental function" and the suspect should be chartered cautioned. (Professional Investigator's Manual, ch7, p300)

40. When "Charter of Rights and Freedom" does not apply

Answer: During security investigation, where there is no arrest and the statement is being taken in the course of an internal investigation against an employee, security is not conducting a governmental function and the Charter of Rights and Freedom does not apply. (Professional Investigator's Manual, ch7, p300)

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41. When taking a statement from someone who is a potential criminal accused what can help a security professional?

Answer: The Judges' Rules and the charter of Right and Freedoms is an excellent guide to security professionals taking a statement from someone who is a potential criminal accused. (Professional Investigator's Manual, ch7, p300)

42. What is judge's rule? What does it provides?

Answer:

The Judges' Rules and the charter of Right and Freedoms is an excellent guide to security professionals taking a statement from someone who is a potential criminal accused.

The Judges' Rule provide(in parts) : 1- an accused cannot be compelled to remain for questioning if not under arrest, 2- the accused must be given the opportunity to contact a lawyer, 3-once there is sufficient evidence to prefer a charge, the accused should be informed that he or she may be prosecuted and should be cautioned, 4- a record should be kept of the time and place at which the questioning and statement began and ended, 5- questions and answers must be contemporaneously recorded, 6- a written statement should record the exact words spoken, and the accused should be asked to read it and make any corrections necessary, 7- persons other than police officers who are charged with the duty of investigating offences or charging offenders shall, so far as may be practicable, comply with these rules.

(Professional Investigator's Manual, ch7, p300)

43. What is the object of the interview?

Answer: Security professionals interviewing potentially accused persons should remember that the object of the interview is to learn the truth, not to induce a pattern of deceit or

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obtain answers that the questioner wants to hear. (Professional Investigator's Manual, ch7, p300)

44. Why audio and video recording is important when taking statement?

Answer: An audio or video recording of the interview may provide better corroboration of the voluntary nature of the statement. (Professional Investigator's Manual, ch7, p300)

45. What rules provided by R.V. Stinchcombe (1991)?

Answer: R.V. Stinchcombe (1991) provides rules requiring criminal prosecutors to provide complete disclosure to the accused. (Professional Investigator's Manual, ch7, p301)

46. Without the necessity of request, what an accused entitled to receive?

Answer: Without the necessity of request, the accused is entitled to the following : 1- a copy of his criminal record, 2- a copy of any statements that he or she made to a person in authority and that were recorded in writing or an opportunity to inspect such statements if they were recorded by electronic means, 3-inspection of any proposed evidence to be submitted, as well as a copy, where practical, 4- a copy of the " will state" statements prepared by the police, 5- any information known to the Crown that would be in the accused's favour, 5- criminal records of proposed witnesses, 6- the name and address of any person who might have information useful to the accused; (Professional Investigator's Manual, ch7, p301)

47. The level of proof required at a trial or tribunal depends on…….

Answer: 1- the nature and seriousness of the case, 2- the relevant statute, 3- and the forum in which the case is heard.

(Professional Investigator's Manual, ch7, p301)

48. During any labor arbitration case, the burden of proof lies on whom?

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Answer: In any labor arbitration case, the burden is on the employer to establish the breach of the employment relationship and to establish that discipline was appropriate under the circumstances.

(Professional Investigator's Manual, ch7, p301)

49. When an appeal can be made against arbitration panel?

Answer: Arbitration panel ruling can only be appealed on the grounds of procedural error, and the panel is not bound by formal rules of evidence. (Professional Investigator's Manual, ch7, p301)

50. What is the easiest burden for the plaintiff?

Answer: The balance of probabilities is the easiest burden for the plaintiff or employer to meet. (Professional Investigator's Manual, ch7, p301)

51. When and where the balance of probabilities applied?

Answer: The balance of probabilities is applied at civil actions and at labor arbitration hearings that do not involve dishonesty(e.g., lateness, poor performance, etc) (Professional Investigator's Manual, ch7, p301)

52. What is the highest burden that can be applied to an assessment of guilt.

Answer: Beyond a reasonable doubt. It is the standard applied against the Crown in providing that an accused is guilty of a criminal offense.

(Professional Investigator's Manual, ch7, p302)

53. Define "Preponderance of Evidence"

Answer: A preponderance of evidence is a standard that was developed through labor arbitration cases involving dishonesty. Arbitrators have held that a higher standard should

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be held against the employer where there are allegations of a breach of employment agreement that involve accusations of dishonesty. (Professional Investigator's Manual, ch7, p302)

54. The polygraph is used by security and law enforcement organizations to test …….

Answer: The veracity of a suspect.

(Professional Investigator's Manual, ch7, p302)

55. How does the polygraph test works?

Answer: The polygraph instrument by measuring changes in cardiovascular, respiratory, and electro dermal patterns of the suspect as he or she undergoes questioning.

(Professional Investigator's Manual, ch7, p302)

56. If an accused passed or failed a polygraph test or if s/he refused to take a polygraph test is admissible as evidence at the court?

Answer: The fact that an accused passed or failed a polygraph test or that he or she agreed or refused to take the test is not admissible in evidence, but any confession provided following a polygraph test is admissible, subject to the usual rules of admissibility of confession.

(Professional Investigator's Manual, ch7, p302)

57. Define "random virtue testing"

Answer: The courts exhibit concern when there is a suggestion than an investigator compelled an accused to commit a criminal offence when there was no reasonable ground to believe that the accused would have committed it in any event. The courts refer to this as "random virtue testing'. (Professional Investigator's Manual, ch7, p303)

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58. What the accused should do if he wishes to use the defense of entrapment?

Answer: An accused who wishes to use the defense of entrapment must do so during the trail and must prove the defense on a balance of probabilities;

(Professional Investigator's Manual, ch7, p303)

59. What is required to do to proof the defense of entrapment?

Answer: To prove the defense of entrapment, the accused must show that the police or undercover operative went beyond providing the opportunity to commit the offence and actually induced the commission of the offence. (Professional Investigator's Manual, ch7, p303)

60. How to refute the defense of entrapment?

Answer: To refute the defense of entrapment, the prosecutor must be able to show that: 1- the accused was already engaged in the particular criminal activity, 2- the physical location with which the person is associated is a place where the particular criminal activity was likely occurring. (Professional Investigator's Manual, ch7, p303)

61. What are the facts consider in assessing whether entrapment has taken place?

Answer: In assessing whether entrapment has taken place, the court considers the few facts : 1- reasonableness of the suspicion, 2-availability of other investigative techniques, 3- whether an average person with both the strengths and weaknesses in the position of the accused would be induced to commit the crime, 4-persistence and number of attempts by the investigator before the accused agreed to commit the offence, 5- type of inducement used by the investigator, including deceit, fraud, trickery, or reward, 6- timing of the investigator's conduct-in particular, whether he or she instigated the offence or become involved in ongoing criminal activities, 7- whether the investigator's conduct involved an exploitation of human characteristics, such as friendship, 8-whether the investigator exploited a particular vulnerability of the person, such as mental handicap or substance addiction, 9- harm or risk caused by the investigator(who may also have committed illegal acts) as compared to the accused, 10- existence of any threats implied or expressly made to the accused by the investigator or other agents, 11- whether the investigator's conduct is directed at undermining other constitutional values. (Professional Investigator's Manual, ch7, p303/304)

62. What type of evidence have become more prevalent in the courts?

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Answer: Video and photographic evidence have become more prevalent in the courts. (Professional Investigator's Manual, ch7, p305)

63. Why video is used as evidence?

Answer: Video is used for transcribing the statement of witnesses or accused, recreating a scene, recording a scene, recording criminal activity, or depicting surveillance findings. (Professional Investigator's Manual, ch7, p305)

64. Under what grounds video evidences have limitations?

Answer: Video and photographic evidence have long been accepted by the courts but with significant limitations related to reliability, relevance, and privacy. (Professional Investigator's Manual, ch7, p305)

65. If video surveillance is being introduced to show that the plaintiff or defendant was involved in a certain activity, the video must …….

Answer: If video surveillance is being introduced to show that the plaintiff or defendant was involved in a certain activity, the video must be clear enough to identify the person. (Professional Investigator's Manual, ch7, p305)

66. By whom video and photographic evidence must be verified?

Answer: Video and photographic evidence must be verified by someone who can testify as to where and under what circumstances the evidence was obtained and state that it accurately depicts the scene that existed at the time it was obtained. Although this need not necessarily be the person who obtained the video or photographic evidence, obviously that person would be the best to introduce the evidence. (Professional Investigator's Manual, ch7, p305)

67. What is the condition to accept video evidence?

Answer: For video evidence to be admissible, the court must be convinced that is reliable, it must be relevant to the issue at trial and privacy maintained while recording. (Professional Investigator's Manual, ch7, p305)

68. When a video and photographic images may not be accepted into evidence?

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Answer: Video and photographic images may not be accepted into evidence even if they meet the criteria of reliability and relevance- if court finds that there is sight probative value and the prejudicial effect overrides the values of the evidence. (Professional Investigator's Manual, ch7, p305)

69. Does employer have the right to monitor employee access to company computers and the internet?

Answer: Courts and arbitration panels have held that employers have the right to monitor employee access to company computers and the internet. (Professional Investigator's Manual, ch7, p310)

70. What is the condition to admit employee's computer access?

Answer: If the information gathered in the monitoring of employee computer access is to be admissible as evidence, the employer should have a policy advising employees that their computer activity is being monitored in a reasonable manner and for appropriate cause. (Professional Investigator's Manual, ch7, p310)

71. Define private communication

Answer: The Criminal Code of Canada defines private communication in terms of an expectation of privacy: " private communication means any oral communication, or any telecommunication, that is made by an originator who is in Canada or is intended by the originator to be received by a person who is in Canada and that is made under circumstances in which it is reasonable for the originator to expect that it will not be intercepted by any person other than the person intended by the originator to receive it, and included any radio-based telephone communication that is treated electronically or otherwise for the purpose of preventing intelligible reception by any person other than the person intended by the originator to receive it. (Professional Investigator's Manual, ch7, p310)

72. What is the condition in recording a conversation according to Canadian Law?

Answer: It is legal in Canada to record a conversation where there is one-party consent. (Professional Investigator's Manual, ch7, p305)

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73. What is the condition to intercept communication by an investigator?

Answer: An investigator using a hidden recorder may intercept communication where he or she is a party to it but may not legally leave a recorder in a room where he or she is not a party to the conversation. (Professional Investigator's Manual, ch7, p310)

74. To record a conversation, the police must comply with:

Answer: To record a conversation, the police must comply with the Charter of Rights and Freedoms and must obtain a court order to intercept private communications even where there is one-party consent. (Professional Investigator's Manual, ch7, p310)

75. What is the condition to consider the reliability of the evidence by a court?

Answer: In assessing the reliability of physical evidence, courts consider the continuity of the evidence. (Professional Investigator's Manual, ch7, p311)

76. When a party is submitting the physical evidence what shall be established?

Answer: The party submitting the physical evidence must be able to establish that it is original and can be depended on as reliable evidence. (Professional Investigator's Manual, ch7, p311)

Exercise 2.3

The following questions has been designed based on Chapter-8, Testimoy

1. Testimonial evidence generally represents…….

Answer: 80 percent of the evidence presented in court.

(Professional Investigator's Manual, ch8, p319)

2. Security employees are often called to give testimony because of the incidents they encounter……..

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Answer: In their work.

(Professional Investigator's Manual, ch8, p319)

3. When Security employees called for testify they should be paired with whom?

Answer: Security employees called to testify are usually paired with legal counsel.
(Professional Investigator's Manual, ch8, p319)

4. Why security employees should learn the rules and processes related to giving testimony?

Answer: Because the experience of testifying in a courtroom can be intimidating.
(Professional Investigator's Manual, ch8, p319)

5. How should be the testimony of security employees?

Answer: Security employees' testimony must always be truthful and at the same time follow court guidelines and counsel's strategy.

(Professional Investigator's Manual, ch8, p319)

6. Who should give a testimony?

Answer: A person who gives testimony- a witness- is usually either a fact witness or an opinion witness. Security employees could be either.

(Professional Investigator's Manual, ch8, p319)

7. Fact witness testimony is typically restricted to matters that……..

Answer: The witness actually saw, heard, smelled, touched, or tasted.

(Professional Investigator's Manual, ch8, p319)

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8. What is hearsay witness? What is the exception associated with hearsay witness?

Answer: Hearsay witness- relating what some other person may have said-may or may not be admissible.

A typical hearsay exception regards reporting a person's "dying declaration" such as a crime victim's last words identifying the perpetrator.

(Professional Investigator's Manual, ch8, p319)

9. What are the skill / qualification to be accepted as an opinion witness (expert witness)?

Answer: To be accepted as an opinion witness, also known as an expert witness or forensic witness, one must demonstrate training, education, and experience in a specific subject. (Professional Investigator's Manual, ch8, p319)

10. What is the basis of opinion by an opinion witness?

Answer: An opinion witness may provide an opinion on the matter at hand, based on analysis of the evidence according to accepted scientific standards and scholarly research methods. (Professional Investigator's Manual, ch8, p319)

11. From the first day on the job, security employees should realize that their observations, reports, or findings, coupled with their demeanor and their ability to articulate events may be the key to the verdict. (Professional Investigator's Manual, ch8, p319)

12. Every security incident should be treated as …….

Answer: If it could result in a courtroom appearance.

(Professional Investigator's Manual, ch8, p319)

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13. How security employees should mark evidences?

Answer: Security employees should mark evidence with their initials, the date, and a tracking or report number, in the same location whenever possible.

(Professional Investigator's Manual, ch8, p319/320)

14. Why witnesses (security employees) should examine the evidence first?

Answer: Witness (security employees) should examine the evidence before taking the stand because its appearance may have changed and it may appear in a different order than expected. (Professional Investigator's Manual, ch8, p320)

15. Who should provide relevant reports and notes to counsel?

Answer: Security employees should provide all relevant reports and notes to counsel. (Professional Investigator's Manual, ch8, p320)

16. The preparation of testimony begins…….

Answer: Long before thoughts of litigation.

(Professional Investigator's Manual, ch8, p320)

17. The testimony preparation starts with…….

Answer: The accurate and timely capture of facts and impressions of the incident in e report or notes.

(Professional Investigator's Manual, ch8, p320)

18. Why a incident has a better credibility than a mental recollection?

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Answer: An accurate and timely capture of facts and impressions of the incident in a report or notes is much credible than mental recollection, which is diminished and altered by time and events. (Professional Investigator's Manual, ch8, p320)

19. Shortly before testimony to the court, there is a need of preparation which may consist of ……

Answer: A site visit and a review of notes, reports, photos, and diagrams.

(Professional Investigator's Manual, ch8, p320)

20. The testimonial evidence the security professional will be presenting in court is call

Answer: " parole" or " spoken word" and the attorney will want to make sure that it supports the case.

(Professional Investigator's Manual, ch8, p320)

21. What is meant by deces tecum?

Answer: It is also important to have a pre-trial meeting were opposing litigants get together to exchange information that each believes is necessary to their position. They will request a ***deces tecum*** *(*produce all tangible evidence) from each other as well as written questions called **interrogatories.**

(Professional Investigator's Manual, ch8, p320)

22. Who are the court room participants?

Answer: The courtroom participants are judges, juries, counsel and witnesses;

(Professional Investigator's Manual, ch8, p320/321)

23. What is meant by ***voir dire?***

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Answer: Juries consist of jurors, selected citizens required to render a decision based on the facts presented to them. Jurors are not professional arbiters of fact. Typically their names are drawn from the voter rolls in a jurisdiction. Once sworn in the jury candidates are put through a legal process known as ***voir dire*** where the attorneys and /or judge ask questions to determine their suitability to be on the jury for the trail in question.

(Professional Investigator's Manual, ch8, p321)

24. Like most people, jurors are influenced by……..

Answer: Their personality, culture and life experience.

(Professional Investigator's Manual, ch8, p321)

25. For whom cross-race effect is specially important?

Answer: The cross-race effect may make it especially important for security witnesses to build a rapport with the jurors and show themselves as knowledgeable. (Professional Investigator's Manual, ch8, p321)

26. What is neuro-linguistic programming?

Answer: Witnesses may be able to communicate better with juries by using an interview technique called neuro-linguistic programming.

(Professional Investigator's Manual, ch8, p321)

27. How people experience in their life?

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Answer: People experience life through their sense(neurological); communicate primarily through spoken language(linguistic); and organize information and actions through a self-ordered mechanism called a program(programming);

(Professional Investigator's Manual, ch8, p321)

28. How witnesses can often detect how jurors view them and their answer?

Answer: Through casual glance, witnesses can often detect how jurors view them and their answer.

(Professional Investigator's Manual, ch8, p321)

29. What security employees must do before review their notes and discuss their testimony?

Answer: Before testifying, in any venue, security employees should review their notes and discuss their testimony with counsel including any concerns they have about a weak point in the case. (Professional Investigator's Manual, ch8, p322)

30. What is examined by pre-testimony review examination?

Answer: The proper pre-testimony review examines: 1- notes and reports on the incident, 2- evidence that is advisable, accessible, and retrievable, 3- documentary evidence from any subsequent actions or hearing.

(Professional Investigator's Manual, ch8, p322)

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31. What is the only way to ensure the evidence exists in its entirety as noted in descriptive documents and evidence tags?

Answer: If physical evidence will be used in court, the security employee should physically examine it during the pre-trail conference. This is the only way to ensure the evidence exists in its entirety as noted in descriptive documents and evidence tags

(Professional Investigator's Manual, ch8, p322)

32. Who is responsible for gathering of the evidence and chain of custody of the evidence?

Answer: The security employee should also be prepared to testify on the gathering of the evidence and the chain of custody. (Professional Investigator's Manual, ch8, p322)

33. Write few notes about security witness incident site visit?

Answer: The security witness should visit the incident site-ideally, in conditions similar to those prevailing when the incident occurred (time of day, time of year, lighting, weather etc). (Professional Investigator's Manual, ch8, p322)

34. When witnesses reveal their opinions in front of other witnesses, they raise the risk of ……..

Answer: Impeachment problems (possibly due to a misinterpretation of their words) and may prematurely reveal their testimony to the opposition.

(Professional Investigator's Manual, ch8, p321)

35. While giving testimony, security employee should strive to be ……..

Answer: Personable, charming, professional, polite, earnest, and knowledgeable and must also emphasize self-confidence.

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(Professional Investigator's Manual, ch8, p323)

36. What is the dress Code for the Security Employees during testimony?

Answer: While witness present to the court to give testimony, to be effective witnesses, security employees should dress appropriately for the jury and jurisdiction. (Professional Investigator's Manual, ch8, p323)

37. What can help the security employee testify more effectively?

Answer: Knowing what to expect of the opposition can help the security employee testify more effectively.

(Professional Investigator's Manual, ch8, p323)

38. What are the elements security employees should be aware of while giving testimony?

Answer: Security employees giving testimony should be aware of some elements: 1- counsel might try to gauge the witness's ability to withstand serious cross-examination,2- an attorney might summarize a witness's answer in the attorney's words, 3- counsel might violate rules of evidence and seek hearsay, conversation information, rumors, and opinions, 4- the attorney might ask for witness's notes, 5- the attorney might ask trick questions. (Professional Investigator's Manual, ch8, p323)

39. During the process of testimony, when answering questions, witnesses should

Answer: Emphasize self-confidence, speak clearly and give positive, direct, and definitive answers whenever possible.

(Professional Investigator's Manual, ch8, p324)

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40. In the process of testimony, regarding body language and answering strategy issues, what witness should do?

Answer: Witnesses should do : 1-look comfortable but do not slouch, rest head on hand, chew gum, play with earnings or mustache, or move around in the chair, 2- ask for a reason break or drink of water if needed, 3- speak authoritatively but not arrogantly, 4- answer questions directly but volunteer nothing, 5-be aware of time and distance distortions, as few people estimate accurately, 6- admit to meeting with counsel, 7- admit discussing the case with others, if the discussions are not privileged,8- keep an even temper even if opposing counsel appears to lose his or her temper, 9- stick to an answer even if opposing counsel repeats the question numerous times with increasing incredulity, 10- make opposing counsel ask simple questions, not multiple questions within a question.

(Professional Investigator's Manual, ch8, p325)

41. Lawyers are trained to look for inconsistencies in testimony and exploit them to their advantage. There are some types of inconsistencies that could lead a jury to believe a witness is dishonest. What are these inconsistencies?

Answer: 1- inconsistencies in the witness's own statement, 2- inconsistencies between the witness's different statements, 3- inconsistencies between the witness's statement and what others said, 4- inconsistencies between the witness's statement and other evidence.
(Professional Investigator's Manual, ch8, p323)

42. Acceptance as an expert witness typically requires such measures as ……..

Answer: Experience, education, teaching, research, and publication of articles in the field.
(Professional Investigator's Manual, ch8, p326)

43. From eye of a security employee what is describe the journey of testimony

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Answer: Security employees can view testimony as a journey that begins with an incident; depends on procedures and reports; features judges, counsel, and witnesses, requires pre-testimony review, and ends with testimony given with full knowledge of the techniques of testifying and traps of opposing counsel. (Professional Investigator's Manual, ch8, p326)

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